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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,501	08/20/2003	Roberto Stefanoni	SRC007	3847
7590	03/30/2005			EXAMINER
Thomas S. Baker, Jr. 1371 West 3rd Ave. Columbus, OH 43212				SPITZER, ROBERT H
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/644,501	STEFANONI	
	Examiner	Art Unit	
	Robert H. Spitzer	1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 August 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/05/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6,9 and 12-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the adsorbent carbon containing filter lid structure of Zimmermann (1,794,940).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmermann (1,794,940) in view of Pollara et al. (4,612,026). The claims differ from the structure of Zimmermann ('940) in the activated carbon being contained between two layers of filtering material. Pollara et al. ('026) show that activated carbon can be placed between two layers of filtering cloth and that such activated carbon can also contain a color change indicator. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to structure the activated carbon of Zimmermann ('940) so that it is contained between two layers of filter cloth and includes a color change indicator, in view of the showing of Pollara et al. ('026), as any way to mount such activated carbon would be useable by one skilled in this filter art and because the

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placement of a color change indicator would enable one to determine when the activated carbon no longer is effective in its removal of components.

5. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmermann (1,794,940) in view of Collas et al. (6,334,888). The claims differ from the adsorbent containing filter lid structure of Zimmermann ('940) in the lid being made of a transparent material. Collas et al. ('888) show that such a lid can be made of a transparent material, such as polypropylene. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to make the lid of Zimmermann of a transparent material, in view of the showing of Collas et al. ('888), so that the contents within the lid can be seen. The specific transparent material of construction of such lid is considered to be an obvious matter of design choice, as it depends upon the environment in which such lid will be used.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmermann (1,794,940) in view of Alfred (6,105,811). The claim differs from the adsorbent containing lid structure of Zimmermann ('940) in the lid having a stepped construction. Alfred ('811) shows a stepped lid construction so that such lid will fit many sizes of pans. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to structure the lid of Zimmermann ('940) with a stepped construction, in view of the showing of Alfred ('811), so that such lid can be used for many different sizes of pans.

7. The remaining references listed on both the PTO-1449 and the PTO-892 show art of interest.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H. Spitzer whose telephone number is (571) 272-1167. The examiner can normally be reached on Monday-Thursday from (5:30AM-4:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 29, 2005

Robert H. Spitzer
Robert H. Spitzer
Primary Examiner
Art Unit 1724

March 29, 2005